

AP/3626

Docket No. 15-UL-5584

Applicant: Charles C. Brackett

Serial No.: 09/557,153

Filed: April 24, 2000

Title: IMAGING SYSTEM HAVING MEANS FOR  
CREATING, MANAGING AND SELECTING  
FROM A LIST OF EXAM DESCRIPTIONS

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231



Group Art Unit: 3626

Examiner: Frenel, V.

Date: June 9, 2003

RECEIVED  
JUN 13 2003  
GROUP 3600

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above-identified application  
is a Response to Second Office Action.

FEE FOR ADDITIONAL CLAIMS

X A fee for additional claims is not required.  
\_\_\_ A fee for additional claims is required. The additional fee  
has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXTRA CLAIMS	RATE	ADDITIONAL FEE
TOTAL CLAIMS:	12 -	18 =	0	x \$18 =	0
INDEPENDENT CLAIMS:	2 -	4 =	0	x \$84 =	0
TOTAL FEE DUE					\$ 0

\_\_\_ Our check for payment of the fee for additional claims in the  
amount of \$\_\_\_ is enclosed.

\_\_\_ Please charge \$\_\_\_ to Deposit Account No. 07-0845 in payment  
of the fee.

X The Commissioner is authorized to charge payment of any  
extension or other fee under 37 CFR 1.16 or 1.17 which may be required  
by this paper or credit any overpayment of same to Deposit Account No.  
07-0845.

Respectfully submitted,

Attorney for Applicants

Dennis M. Flaherty  
Reg. No. 31,159  
Ostrager Chong & Flaherty LLP  
825 Third Avenue, 30th Floor  
New York, NY 10022-7519  
(212) 826-6565



*Amatt 12/2/03*  
*Lowman*  
Atty. Docket: 15-UL-5584  
*6-17-03*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Charles C. Brackett : Group Art Unit: 362  
Serial No.: 09/557,153 : Examiner: French, V.  
Filed: April 24, 2000  
Title: IMAGING SYSTEM HAVING MEANS FOR  
CREATING, MANAGING AND SELECTING  
FROM A LIST OF EXAM DESCRIPTIONS

Hon. Commissioner of Patents & Trademarks  
Washington, D.C. 20231

RECEIVED  
JUN 13 2003  
GROUP 3600  
*do not enter*

*V.F.*  
*6/26/03*

**RESPONSE TO SECOND OFFICE ACTION**

Sir:

The Applicants respond to the second (and designated Final)  
Office Action mailed on April 9, 2003 as follows:

**REQUEST THAT FINALITY OF ACTION BE WITHDRAWN**

In the section of the outstanding Office Action entitled  
"Response to Arguments", the Examiner has responded to  
Applicant's arguments by presenting new grounds of rejection  
based on the previously cited Teshima and Roewer references. For  
the first time, the Examiner presents various interpretations of  
the Teshima and Roewer teachings in an attempt to meet  
Applicant's claim language. These new interpretations appear on  
pages 16, 17 and 20 of the Office Action. For example, on page  
20, the Examiner asserts for the first time that Roewer's  
disclosure of PCW applications programmed as C language  
functions in some mysterious ways constitutes a teaching of

"alphabetic ordering of exam descriptions in a managed list". The first office action nowhere stated that the rejection was based relied on this teaching of Roewer.

The Examiner concedes that these new interpretations of the cited references constitute new grounds for rejection on page 21 of the action, where the Examiner states that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action" (emphasis added). Although the Applicant agrees wholeheartedly with the Examiner's assertion that new grounds of rejection have been presented, the Applicant disputes that these new grounds were necessitated by "Applicant's amendment". Although Applicant's response bears the heading "AMENDMENT", in fact no amendments were made. Since no amendments were made, the new grounds of rejection could not have been necessitated by amendments.

It is beyond dispute that a new ground of rejection precludes issuance of a Final Rejection. Thus, the finality of the outstanding Office Action is improper. Applicants respectfully request that the finality of the Office Action be withdrawn.

#### AMENDMENT

In anticipation of the Final Rejection being withdrawn, the Applicant requests that the following amendments be entered:

IN THE CLAIMS: